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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,923	04/30/2001	Sergey Brin	0026-0002	9916
44989	7590	08/23/2004	EXAMINER	
HARRITY & SNYDER, LLP 11240 WAPLES MILL ROAD SUITE 300 FAIRFAX, VA 22030			AILES, BENJAMIN A	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/843,923	BRIN, SERGEY
	Examiner	Art Unit
	Benjamin A Ailes	2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 30 April 2001.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-27 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-27 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 30 April 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## DETAILED ACTION

1. Claims 1-27 have been examined.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8, 10-16, 18-21, 23 and 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Freiberger (U.S. 6,034,652).
4. As per claims 1 and 11, Freiberger teaches a method/system for enticing users to access a web page, comprising:

- uploading a first image... (column 2, lines 28-34).
- periodically uploading successive images... (column 2, lines 28-34).

5. As per claim 2 in accordance with claim 1, Freiberger teaches further,
  - the generation of a plurality of images... (column 3, lines 63-65).
  - the storing of images on a server... (column 2, lines 22-25, and column 14, lines 12-14).

The content provider mentioned in the prior art acts as the server for the attention manager, or the client. It is deemed inherent for the content provider

server to include space to store the content being this is where the content data is provided.

6. As per claim 3 in accordance with claim 1, Freiberger teaches the first image and the successive images include animated images (column 6, lines 56-64)

7. As per claim 4 in accordance with claim 1, Freiberger teaches the first image and the successive images include a series of animated images (column 6, lines 56-64).

8. As per claim 5 in accordance with claim 1, Freiberger teaches the uploading process including:

-presenting the first image... (column 14, lines 36-42).

-presenting the successive images... (column 14, lines 36-42).

Content providing systems communicate with the content display systems, meaning the content providers (the servers) send the content display system (the client) the images for viewing.

9. As per claim 6 in accordance with claim 5, Freiberger teaches the presenting of the first image including:

-displaying the first image... (column 2, lines 28-34).

-displaying the successive images... (column 2, lines 28-34).

10. As per claim 7 in accordance with claim 6, Freiberger teaches a method wherein the first image and the successive images are displayed near or with at least one of a company's logo and an advertisement (column 7, lines 26-30).

Although Freiberger teaches the use of an advertisement, he does not teach the use of a company logo. However, the use of a company logo in conjunction with an advertisement is deemed to be inherent.

11. As per claim 8 in accordance with claim 1, Freiberger teaches the periodically uploading including:

-uploading the successive images after each predetermined... (column 2, lines 38-42).

12. As per claim 10 in accordance with claim 1, Freiberger teaches the first image and the successive images including video images (column 6, lines 57-64).

13. As per claim 12, Freiberger discloses a computer-readable medium that stores instructions to perform a method, comprising:

-instructions for uploading an initial object... (column 3, lines 63-65).

-instructions for periodically uploading successive objects... (column 3, lines 63-65).

14. As per claim 13 in accordance with claim 12, Freiberger teaches the use of a computer-readable medium where the initial and successive objects include at least one of animated images, video images, and audio information (Column 6, lines 56-64).

15. As per claim 14, Freiberger teaches a server comprising:

-a memory... (column 14, lines 20-21).

-a processor (column 14, lines 19-20) configured to:

-upload an initial object... (column 14, lines 36-44).

-periodically upload successive objects... (column 14, lines 36-44).

16. As per claim 15, Freiberger teaches a method for attracting users to a site on a network, comprising:

-receiving a plurality of images... (column 4, lines 32-34).

-successively displaying the images... (column 4, 47-55).

17. As per claim 16 in accordance with claim 15, Freiberger teaches a successively displaying including:

-displaying a first one of the images... (column 2, lines 39-41).

-displaying next ones of the images... (column 2, lines 39-41).

18. As per claim 18, Freiberger teaches:

-modifying a standard company logo for a special event... (column 7, lines 26-35).

A company logo modified for a special event is still considered a type of content data described by the prior art.

-associating one or more search terms... (column 27, lines 25-30).

In order for information resources to be obtained, some sort of information must be associated with the special event logo. Therefore, having information associated with a special event logo is deemed to be inherent and the association of a search term with the special event logo is considered to be an advantageous way of associating information with a special event logo.

-uploading the special event logo... (column 2, lines 28-34).

-receiving a user selection... (column 27, lines 30-32).

-providing search results relating to the special event... (column 27, lines 25-30).

19. As per claim 19 in accordance with claim 18, Freiberger teaches:

-creating the special event logo by modifying the standard company logo with one or more animated images (column 6, lines 56-64).

20. As per claim 20 in accordance with claim 18, Freiberger teaches:

-creating the special event logo by modifying the standard company logo with at least one of video and audio data (column 6, lines 56-64).

21. As per claim 21 in accordance with claim 18, Freiberger teaches wherein the special event includes a holiday.

Although holiday is not explicitly stated, the scope of the prior art language, "the kinds of content data that can be used...are virtually limitless," would inherently include a holiday as a category for content data.

22. As per claim 23 in accordance with claim 18, Freiberger teaches the uploading of the special event logo including:

-displaying the special event logo on the web page... (column 4, lines 47-55).

23. As per claim 25 in accordance with claim 18, Freiberger teaches the modifying of a standard logo including:

-determining a home page... (column 21, lines 33-35).

-identifying the standard company logo... (column 21, lines 50-55).

-modifying the standard company logo... (column 21 lines 50-55).

Freiberger teaches the use of what he calls a package file in order to make updates to certain data content. One key characteristic of the package file is the association with a network address, which can include a home page. Computer graphics are known to evolve over the years to become more pleasing to the human eye. A package file used by Freiberger in order to make updates to image files would be a valuable tool.

24. As per claim 26, Freiberger teaches the use of a computer-readable medium that stores instructions (column 21, lines 20-25) executable by one or more processors (column 14, lines 19-20) to perform methods, comprising:

- instructions for creating a special event logo... (column 21, lines 25-28).
- instructions for associating at least one of... (column 27, lines 18 and 25-30).
- instructions for uploading the special event logo... (column 21, lines 54-55).
- instructions for receiving a user selection... (column 27, lines 30-32).
- instructions for providing the link or search results... (column 27, lines 25-30).

Freiberger discloses the use of a package file which can be used to update content data. Included in this package file are instructions on what needs to be updated where and how this data is to be updated. A package file is an easy way to execute an update to the content data in an organized manner.

25. As per claim 27, Freiberger teaches the use of a server connected to a network, comprising:

- a memory... (column 14, lines 20-21).
- a processor (column 14, lines 19-20) configured to execute instructions to:
  - determine a home page...
  - identify a standard company logo...
  - modify the standard company logo...
  - replace the standard company logo...

Referring again to the package file presented by Freiberger (column 21, lines 21-55), he teaches the use of a package file in order to execute updates to his system. Included in the package file is a network address (column 21, lines 33-35) and update instructions for the content data (column 21, lines 50-55).

#### ***Claim Rejections - 35 USC § 103***

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freiberger (U.S. 6,034,652) in view of Mukherjea et al (6,317,740).

28. Freiberger fails to teach a method wherein the special event logo is identified by a search term. However, Mukherjea et al discloses the use of a search term relating to a special event logo (column 4, lines 34-36). It would

have been obvious to one of ordinary skill in the art at the time of applicant's invention to associate a keyword search term with a special event logo in order to make image searches more useful and effective.

29. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freiberger (U.S. 6,034,652) in view of Coden et al. (U.S. 5,873,080).

30. Freiberger fails to teach a search engine method when searching using a key word. However, Coden et al. disclose a search engine that:

- generates a search query... (column 3, lines 33-36).
- uses the search query to search... (column 3, lines 26-30 and 33-36).
- obtains the search results... (column 3, lines 33-36).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to associate a search engine as disclosed by Coden et al. in order to make searching for media resourceful.

31. Claims 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freiberger (U.S. 6,034,652) in view of Glazman et al. (U.S. 6,264,555).

32. Freiberger fails to teach the periodically uploading of images after random periods of time. However, Glazman et al. discloses a display apparatus which displays images, including text, video displays, graphics, animations, live action video, or any other material capable of display on a video display. Glazman et al. disclose the displaying of these images done at random times (column 4, lines 17-20 and 22-28). It would have been obvious to one of ordinary skill in the art at

the time of applicant's invention to use random time parameters when displaying images in order to entice users to view a webpage more frequently.

### ***Conclusion***

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gorbet et al. (U.S. 6,072,480) disclose a method and apparatus for controlling composition and performance of soundtracks to accompany a slide show.

Qureshi et al. (U.S. 6,396,500) disclose a method and system for generating and displaying a slide show with animations and transitions in a browser.

Halfman (U.S. 6,119,135) discloses a method for passively browsing the Internet using images extracted from web pages.

Vanechanos, Jr. (U.S. 5,884,309) discloses an order entry system for the Internet.

Dunlap et al. (U.S. 6,560,637) disclose a web-enabled presentation device and methods of use thereof.

Reber et al. (U.S. 5,995,105) disclose methods and systems for providing a resource in an electronic network.

Rakavy et al. (U.S. 5,913,040) disclose a method and apparatus for transmitting and displaying information between a remote network and a local computer.

Gill et al.(U.S. 6,081,262) disclose a method and apparatus for generating multi-media presentations.

Paulson (U.S. 2002/0044103 A1) discloses a pre-lane display software system for retail stores.

Pirani et al (U.S. 5,105,184) disclose methods for displaying and integrating commercial advertisements with computer software.

Mano et al (U.S. 5,978,807) disclose an apparatus for and method of automatically downloading and storing Internet web pages.

Dom et al (U.S. 6,166,735) disclose a video story board user interface for selective downloading and displaying of desired portions of remote-stored video data objects.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is 703-305-0447. The examiner can normally be reached on Monday-Friday (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached at (703) 305-9705. The fax phone number for the organization where this application or proceeding is assigned is (703)308-5358.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [benjamin.ailes@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Group receptionist whose telephone number is (703)305-3900.

baa



JACK B. HARVEY  
SUPERVISORY PATENT EXAMINER